



## CITY OF HAYWARD AGENDA REPORT

AGENDA DATE 01/12/99

AGENDA ITEM 4

WORK SESSION ITEM \_\_\_\_\_

**TO:** Mayor and City Council

**FROM:** Director of Community and Economic Development

**SUBJECT:** Zone Change 98-190-01, Vesting Tentative Map Tract 6996, Site Plan Review 98-130-16 and Variance to wall height - Citation Homes (Applicant), Sakai Family (Owners) - Request to develop approximately 14.92 acres with 106 single-family homes on 4,000 square-foot minimum lots. The project is located at 27621 Whitman Street.

### RECOMMENDATION:

The Planning Commission (6:1) and staff recommend approval of the project.

### DISCUSSION:

The *Whitman-Mocine Neighborhood Plan*, adopted May 27, 1997, established a policy to maintain and enhance the residential character of the area. The project site on Whitman Avenue, formerly Sakai Brothers Nursery, was considered an opportunity for residential development of a scale and appearance appropriate for the neighborhood.

Citation Homes, the developer/applicant, is proposing a single-family residential subdivision of 106 homes with minimum lot sizes of 4,000 square feet. In order to allow this type of development, a zone change, tract map and site plan must be approved. Accordingly, the Planning Commission reviewed the applications at their December 17, 1998 meeting and voted 6:1 to recommend approval of the project. Commissioner Bennett did not support the project because of the lot size and questioned whether the 4,000 square foot lots were compatible with the neighborhood. She added that she thought the project would add significantly to the traffic in the area. One citizen, who was a member of the Whitman-Mocine Neighborhood Task Force, represented the Briarwood Homeowners' Association and spoke in favor of the project.

### Neighborhood Plan Consistency

The *Whitman-Mocine Neighborhood Plan* included a strategy for development of the nursery site and stated that "*Formal development applications shall be processed under the Planned Development (PD) zoning district to allow maximum design flexibility.*" This strategy came about as a result of Task Force discussion regarding appropriate lot sizes for both nursery sites in the neighborhood. During the public hearing for the plan's adoption, Task Force members related that their discussion regarding future development at the nursery sites concluded that Medium Density Zoning would be appropriate for the neighborhood as long any development presented an attractive appearance. The City Council unanimously supported the Task Force's recommendation and did not place limitations of lot size on new developments, opting for a planned development

instead. However, Citation Homes proposes a standard subdivision of single-family detached homes on this site rather than a planned development.

The PD zoning is effective when preserving natural features, open space or topography, and where a variety of housing types or combinations of residential and non-residential uses are incorporated on one site. The project site lacks natural characteristics such as rock outcroppings, ponds or significant tree clusters. Further, the neighborhood plan supports single-family detached housing.

The project is consistent with the intent of the neighborhood plan to “*Retain and enhance the single-family character of the Whitman-Mocine neighborhood*” as stated in *Policy 1*. The proposed density of 7.1 units/acre is consistent with that of the Limited Medium Density Residential designation (8.7 – 12 units/acre). The development will be single-family detached housing, the homes will have attractive and varied facades, and the Whitman Street frontage will include special landscape treatment and an enhanced project entry as recommended in the neighborhood plan. Therefore, processing this application as a standard subdivision is appropriate.

### **Zone Change**

As recommended in the *Whitman-Mocine Neighborhood Plan*, the Agriculture zoning was retained as a “holding” zone until development of the site is considered. The proposed zone change from A (Agriculture) to RSB4 (Single-Family Residential 4,000 square-foot minimum lot size) is consistent with the *General Policies Plan Map* designation of Limited Medium Density Residential. Lot sizes in the proposed development and building setbacks are consistent with the requirements of the RSB4 zoning district and compatible with the surrounding residential development pattern.

Hayward Unified School District has estimated that the proposed project will generate 26 additional students in grades K-6, requiring an additional teacher and one classroom at Bowman School. Portable classrooms are currently being added at Bowman and sited such that they do not impact the outdoor recreation and sports areas. HUSD has indicated that there is sufficient capacity at Tennyson High School and Cesar Chavez Middle School to house the additional students generated by the project. The developer will be required to pay school taxes when the new homes are constructed. Although the current school tax rate is \$1.93 per square foot, Citation Homes has voluntarily agreed with HUSD to pay \$2.30 per square foot.

### **Description of the Vesting Tentative Tract Map**

The proposed subdivision layout is consistent with the surrounding area, and the minimum 4,000 square-foot lots would be compatible with existing single- and multi-family housing in the area.

The applicant proposes to defer development of lots 75, 76, 87 and 88 pending the removal of the Sakai home located at the northeast corner of the site. The title to these lots will be encumbered to restrict development until such time as the Sakai home is removed. The project is conditioned on installing improvements for these parcels, to the extent feasible, concurrent with the tract improvements. These improvements consist of utility stubs and frontage improvements such as, driveways, curb, gutter and sidewalk, and landscaping. Construction on these lots will also be subject to review and approval pursuant to the site plan included with this application.

The traffic-engineering firm of Pang Engineering analyzed whether the installation of a traffic signal at the intersection of Whitman and Carson was necessary. The analysis looked at the existing and future conditions with the project and concluded that the intersection did not meet any of the State's traffic signal criteria. However, to facilitate traffic flow out of the development, entry-street stop signs will be installed by the developer. Stop signs will not be installed on Whitman as this would cause traffic to back up unacceptably.

Additionally, City staff conducted a gap analysis at the intersection to analyze whether cars could safely back out from the lots fronting Whitman, and whether traffic could make left turns from the development's entrance onto Whitman. As a result of field observations made during a morning peak period, staff concluded that there will be sufficient gaps in the traffic flow to permit cars to back out of the driveways onto Whitman. Moreover, these gaps should allow cars to make left turns onto Whitman. The criteria for analyzing unsignalized intersection performance allow for a delay of up to 30 seconds per vehicle, before a delay is considered unacceptable by City standards.

### **Site Plan and Architectural Design**

The neighborhood plan recommended that special attention be given to the Whitman Street frontage. The homes proposed at this end of the subdivision are oriented so they face the existing houses on the eastside of Whitman Street. A 3- to 4-foot wrought iron fence and low shrubs will be installed behind the sidewalk in front of the new houses to soften the streetscape. The entrance to the development is accentuated with low, decorative walls and flowering accent trees on both sides of the drive. A project identification plaque will be constructed in the landscaped entry median, and decorative paving will be incorporated in the entrance. A heavily landscaped plaza with decorative paving and a gazebo serves as a focal point at the entrance. Corner landscaped "bulb-outs" will be incorporated at the intersections of Streets "B", "F" and "E" with the east-west Streets "C" and "D" as a traffic-calming measure and streetscape enhancement.

Each plan has been developed with three elevations that incorporate a harmonious variety of window treatments, roof styles and architectural details. Conditions of approval include a requirement that the elevations facing streets or common areas include architectural details such as, shutters, window ledges and rails, like those on the front elevations. The conditions also include a requirement that windows on all elevations be trimmed with stucco molding or another architectural treatment and placed in such a way as to minimize views into the interiors of adjacent homes. The building exteriors will be finished with stucco and the roofing will be cement tile.

Front yard landscaping will be installed by the developer and maintained by a homeowners' association along with improvements in the common areas and in the public right-of-way. A decorative masonry sound wall will be constructed along the west property line adjacent to the railroad right-of-way. Large evergreen shrubs will be planted along the wall in lieu of trees due to the location of the existing 10-foot wide storm drain easement. A 6-foot decorative masonry wall will be constructed along the north and south boundaries of the development.

## Variance to Wall Height

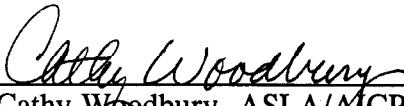
The noise assessment report prepared for the project recommended the installation of sound walls along the railroad right-of-way and at other locations along the perimeter of the site to reduce noise levels to within the limits allowed by City standards. In order to provide the necessary acoustical buffer along the railroad, a wall height of 7 feet, as measured from the finish grade elevation at the tracks, is recommended. As the elevation of the site is approximately 4 feet lower than that of the tracks, the wall would be constructed to a height of approximately 11 feet at the western boundary of the development. The maximum wall height allowed is 8 feet, therefore, a variance is required for this sound wall.

The variance may be supported due to the special circumstances of the site's location next to the railroad right-of-way, and the fact that the reduction in noise levels afforded by the wall complies with the goals and standards of the City's Noise Element to protect citizens against the adverse effects of excessive noise. Further, granting the variance would allow a sound wall that is consistent with those placed on other properties similarly situated.

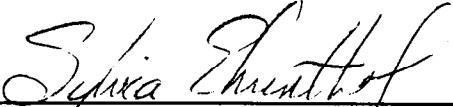
## CONCLUSION

The proposed project is consistent with the intent and policies of the *General Policies Plan* and the *Whitman-Mocine Neighborhood Plan*. The project is compatible with the surrounding uses and development pattern, will enhance the residential character of the area and create homeownership opportunities.

Prepared by:

  
Cathy Woodbury, ASLA/AICP  
Landscape Architect/Senior Planner

Recommended by:

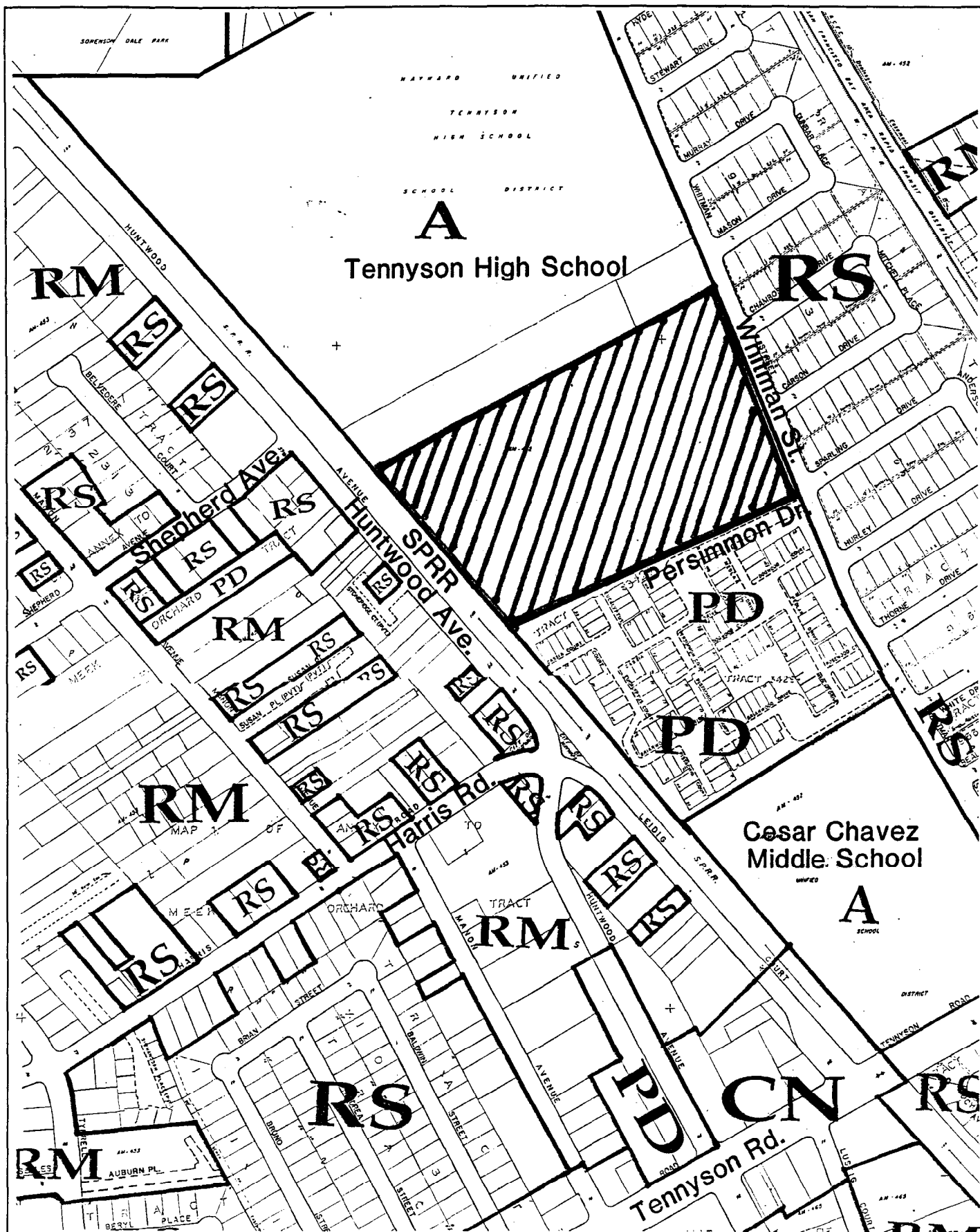
  
Sylvia Ehrenthal, Director of Community  
and Economic Development

Approved by:

  
Jesús Armas, City Manager

Attachments: Exhibit A – Zoning/Area Map  
Exhibit B - Findings for Approval  
Exhibit C - Conditions of Approval  
Exhibit D - Draft Planning Commission Minutes and Staff Report, dated  
December 17, 1998  
Development Plans  
Draft Resolution(s)

1.7.99



**FINDINGS FOR APPROVAL**  
**Zone Change Application No. 98-190-01 and**  
**Site Plan Review and Variance Application No. 98-130-16**  
**27621 Whitman Street**

Based on the staff report and the public hearing record:

1. That approval of Zone Change Application No. 98-190-01 and Site Plan Review and Variance Application No. 98-130-16 will have no significant impact on the area's resources, cumulative or otherwise, and the Mitigated Negative Declaration prepared for this project is complete and final in accordance with the California Environmental Quality Act and reflects the independent judgment of the City Council;
2. That the proposed zone change will not be detrimental and will promote the public health, safety, convenience, and general welfare of the residents of Hayward by providing for residential development that offers home ownership housing opportunities as expressed in the Housing Element;
3. That the proposed zone change and site development plans with a density of 7.1 units/acre are in conformance with the *General Plan Policies Map* designation of Limited Medium Density Residential (8.7 – 12 units/acre), are consistent with the purpose and requirements of the Single-Family Residential zoning district to provide a suitable environment for family life;
4. That the proposed zone change and site development plans are consistent with the policies of the *Whitman-Mocine Neighborhood Plan* in that the project consists of single-family detached housing, the homes will have attractive and varied facades, the Whitman Street frontage will include special landscape treatment and an enhanced project entry, and the single-family residential character of the neighborhood will be retained and enhanced;
5. That the existing and proposed streets and public facilities are adequate to serve all uses when the property is reclassified;
6. That all uses permitted in the Single-Family Residential, 4,000-square-foot minimum lot size (RSB4), zoning district and in the proposed residential development will be compatible with present and potential future residential uses, and further, a beneficial effect will be achieved through the zone change by providing for residential development at a density compatible with the neighborhood, which is not allowed under the existing Agriculture (A) zoning district;

7. The development is compatible with the surrounding multi- and single-family structures and the adjacent school and church facilities in that the proposed height, bulk and scale are consistent with the surrounding development;
8. The development takes into consideration physical and environmental constraints in that a sound wall and landscaping will be installed to buffer the new residences from the noise generated along the railroad tracks;
9. There are special circumstances applicable to the property in that it is located adjacent to a railroad right-of-way;
10. The reduction in noise levels afforded by the sound wall will comply with the goals and standards of the City's Noise Element to protect citizens against the adverse effects of excessive noise and therefore, strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity; and
11. Granting the variance would allow a sound wall that is consistent with those placed on other properties similarly situated.



**FINDINGS FOR APPROVAL  
Vesting Tentative Tract Map 6996  
27621 Whitman Street**

Based on the public hearing record, the City Council finds as follows:

- A. The vesting tentative tract map, for 106 single-family residential lots as conditioned, has been found to be in substantial conformance with the project reviewed under the attached Mitigated Negative Declaration, which reflects the independent judgment of the City Council.
- B. The proposed subdivision is consistent with the General Policies Plan and the City's Subdivision Regulations, in that it is compatible with the objectives, policies, and the general land use and programs specified in the General Plan.
- C. The land being subdivided is for residential use and the drainage from such a use is consistent with the requirements prescribed by the Regional Water Quality Control Board.
- D. The layout, lot size, and configuration is such that future building(s) could be oriented for the purpose of providing an opportunity for future passive solar heating and cooling.
- E. None of the findings for denial set forth in Section 66474 of the Subdivision Map Act have been made, and the approval of the vesting tentative map is granted subject to the recommended conditions of approval.
- F. Development of the lots in conformance with the proposed conditions of approval and in compliance with City codes will mitigate any significant environmental or other impacts, i.e., drainage, soils instability, noise, or traffic problems.
- G. Upon completion and implementation of the required mitigation measures and proposed conditions of approval, the streets and utilities would be adequate to serve the development.

**CONDITIONS OF APPROVAL**  
**Vesting Tentative Tract Map 6996**  
**27621 Whitman Street**

Unless otherwise stated, all necessary easements and street rights-of-way shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code (Chapter 10, Article 3, and Standard Specifications and Details) unless otherwise indicated.

**I. PRIOR TO THE RECORDATION OF THE FINAL MAP**

In addition to the City of Hayward Standard Specifications and Details, the following requirements and conditions apply, and shall be incorporated in the project plans and specifications as applicable:

**Public Streets**

1. All tie-in pavement along Whitman Street shall be in conformance with City Standard Detail SD-113. The existing pavement along Whitman Street frontage shall be overlaid or rebuilt to conform to the new grade at the centerline.
2. For the entry street, provide an intersection improvement plan that includes signing and striping, for review and approval by the City Engineer.
3. For the entry street, provide details and specifications for decorative street paving for review and approval by the City Engineer.
4. All interior streets shall conform to a 46-foot-wide right-of-way public standard, in conformance with City Standard Detail SD-102, except "G" Street, which shall conform to a 40-foot-wide public standard with parking on one side only. Curb returns shall have a minimum 30-foot radius at the curb face.
5. The corners at the intersections of "C" and "D" Streets with "B", "F" and "E" Streets shall be bulbed out as specified by the City Engineer.
6. A street light plan shall be prepared in accordance with the criteria and standards established in the City's Standard Detail SD-120; as approved by the City Engineer. The plan shall include installing electroliers and underground electrical system. All street lights shall become the property of the City of Hayward and shall be constructed under LS-2A tariff. The electroliers shall be in operating condition before occupancy permits are approved.

**Storm Drainage**

7. The subdivision storm drain system shall be public, designed in accordance with the City of Hayward standard details. The drainage system shall be reviewed and approved by the Alameda County Flood Control and Water Conservation District.
8. Install new manholes between the existing inlets along the entire length of the existing 39 and 48 inch storm drainage system to achieve a maximum spacing of 500 feet between structures.

9. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff.
10. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the Alameda County Flood Control and Water Conservation District. The proposed curb elevations are not to be less than 1.25 feet above the hydraulic grade line, as shown in Figure 14 of the Hydrology and Hydraulics Criteria Summary, and at no point shall the curb grade be below the energy grade line.
11. The project plans shall include storm water measures for the operation and maintenance of the project to be approved by the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prevent the entry of pollutants into storm water runoff.
12. This site is subject to the National Pollutant Discharge Elimination System (NDPES) Program. Prior to issuance of a grading permit, the developer needs to provide evidence that this site is covered by the statewide general permit. This will require confirmation that a Notice of Intent (NOI) was received by the State Water Resources Control Board (SWRCB). In addition, the grading plans need to state: "All grading shall be in accordance with the Storm Water Pollution Prevention Plan (SWPPP) prepared by the developer, per the NOI on file with the (SWRCB)."
13. The project plan measures shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
14. The applicant/developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
15. The project shall not block runoff from, or augment runoff to adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all the areas tributary to the project area. The developer is required to mitigate augmented runoffs with off-site and/or on-site improvements.

### **Sanitary Sewer**

16. The sanitary sewer system shall be public, designed in accordance with the City of Hayward standard details.

### **Water System**

17. The water supply system shall be public, designed in accordance with the City of Hayward standard details.
18. Replace the existing 6-inch water main on Huntwood Avenue with an 8-inch main from Harris Road/Leidig Court intersection to the point of connection of the new 8" main.
19. The water system shall be a looped system designed with no mains terminating at a dead end. Any water main easement shall be a minimum width of 10 feet.
20. Any dwelling that cannot maintain 20 psi residual pressure shall be required to install a backflow prevention device.

21. The property owner shall provide keys/access codes to the Hayward Utilities Division for all meters enclosed by a fence or gate per the Hayward Municipal Code Section 11-2.07.

### **Fire Protection**

22. The type and spacing of fire hydrants shall be subject to review and approval by the City of Hayward Fire Chief.
23. Fire hydrants shall be installed in accordance with the City of Hayward and Uniform Fire Code requirements. Fire hydrants shall be installed every 400 feet and shall be capable of flows of 1500 gallons per minute at 20 P.S.I. for a two hour duration. Type of hydrant shall be a double steamer (2-4½" outlets and 1-2 ½" outlet).

### **Utilities**

24. The developer shall underground all new and existing on-site utility lines and transformers, to include all utilities along Whitman Street. All utility services shall be "underground services," and shall comply with the requirements and standards of the utility service provider.
25. Encase in steel sleeves, all utilities underneath the decorative paving at the entry street.
26. All surface-mounted utility hardware (fire hydrants, electroliers, etc.) along the proposed streets shall be located outside of the sidewalk within the 6-foot-wide Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.

### **Subdivision Agreement**

27. The applicant/developer shall enter into a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements per Section 10-3.332, Security for Installation of Improvements, of the Municipal Code.
28. The applicant/developer shall provide liability insurance per Section 7-2.41, Responsibility for Accidents, Liability Insurance, of the Municipal Code.

### **Conditions, Covenants And Restrictions**

29. Record a document restricting development on Lots 75, 76, ~~86~~ 87, and 88; until such time that the existing home is removed. Utility services and frontage improvements for these lots shall be installed concurrent with the tract improvements to the extent feasible and as approved by the City Engineer.
30. Prior to the sale of any individual unit/lot, or prior to the acceptance of tract improvements, whichever first occurs, a homeowners' association shall be created to maintain the following:
  - Front yard landscaping,
  - Landscaping within the public right-of-way and common areas,
  - Soundwalls and masonry walls,
  - Subdivision entry features, signage, and decorative paving in plazas and streets,
  - Related irrigation systems.

Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. The association shall be required to maintain a reserve fund to cover the costs of replacement and repair.

31. A covenant or deed restriction shall be recorded with each lot requiring the property owner to properly maintain the private yard landscaping and trees that are not the responsibility of the homeowners' association.
32. The developer shall prepare project CC&R's for the entire development for review and approval by the Director of Community and Economic Development/Planning Director.
33. The homeowners' association shall be authorized to enforce the CC&R's.
34. The City shall have the ability to place liens on all properties within the subdivision if the homeowners' association fails to fulfill its maintenance obligations.

### **Dedications And Easements**

35. The final map shall include an irrevocable offer of dedication to the City of Hayward, for all designated public streets within the subdivision.
36. The final map shall include an irrevocable offer of dedication to the City of Hayward, for a 6-foot-wide public utility easement, parallel to and abutting the public street right-of-way.
37. A 10-foot-wide water main easement shall be dedicated to the City of Hayward at any location where the public water main is outside of the public street right-of-way.
38. A 10-foot landscape maintenance easement shall be recorded within the side street yards and corners of Lots 4, 5, 81 and 82.

### **Noise Mitigation**

39. Install soundwalls along the railroad tracks, along Whitman Street, and the entry street including adequate returns; as depicted on the map and per the recommendations of the *Traffic and Railroad Noise and Vibration Assessment Study* for the project, dated June 4, 1988; as amended. Walls along the railroad shall have a minimum height of eight feet.
40. Provide sound insulation for homes along the railroad tracks, along Whitman Street, and the entry street; per the recommendations of the *Traffic and Railroad Noise and Vibration Assessment Study* for the project, dated June 4, 1988; as amended.

## **II. PRIOR TO GRADING**

41. Submit a construction Best Management Practice (BMP) program for review and approval by the City Engineer. These BMPs shall be implemented by the general contractor and all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop work order.
42. Provide evidence that a Notice of Intent (NOI) and a Storm Water Pollution Prevention Plan (SWPPP) was filed and received by the State Water Resources Control Board (SWRCB). The SWPPP shall be submitted to the City of Hayward for review.

- vesting Tentative Map Tract 0990
43. Submit a Storm Water Quality Plan (SWQP) for review and approval by the City Engineer. The plan shall include sufficient details to show how storm water quality shall be protected during:
    - a) The construction phase of the project;
    - b) The post-construction/operation phase of the project. The construction phase plan shall include Best Management Practices (BMPs) from the California Storm Water Quality Best Management Practices Handbook for Construction Activities. The specific storm water pollution prevention measures to be maintained by the contractor shall be printed on the plans. The operation phase plan shall include BMPs appropriate to the uses conducted on the site, to effectively prohibit the entry of the pollutants into storm water runoff from this site, including, but not limited to trash and litter control, periodic storm water inlet cleaning, landscape controls for fertilizer and pesticide applications, labeling of storm drain inlets with the wording "No Dumping - Drains to Bay," and other applicable practices.
  44. Submit a grading, erosion and sedimentation control plan for review and approval by the City Engineer. Plan shall include adequate provisions for silt and erosion control in both construction and post-construction phases of development.

### **Tree Removal and Preservation**

45. Prior to issuance of a grading permit, a tree removal permit shall be obtained from the City before removing any live tree 10" or larger in diameter. Mitigation measures shall be as determined by the City and may include planting additional trees on-site and/or upgrading the size of new street trees.
46. Grading and improvement plans shall include tree protection and preservation measures for any trees to remain as approved by the City's Landscape Architect, including installation of a fence at the dripline of the trees during the construction period. Any canopy or root pruning shall only be performed under the supervision of a certified arborist.
47. Prior to issuance of a grading or building permit, a tree preservation bond, surety, or security deposit shall be submitted to the City equal to the value of all preserved trees located within 50 feet of grading. The value of the trees shall be determined by a certified arborist according to the "Trunk Appraisal Method" contained in the Guide for Plant Appraisal (1992) published by the International Society of Arboriculture. The bond, surety, or security deposit shall be maintained for a minimum of one year following tract acceptance, and will be returned or terminated at the end of this period if trees are found to be healthy, thriving, and undamaged. The City reserves the right to require an arborist to monitor or evaluate the condition of the trees during and after construction at the expense of the applicant/developer.

### **III. PRIOR TO THE ISSUANCE OF BUILDING PERMITS**

48. A street tree plan and detailed landscaping and irrigation plans for all common areas and front yards shall be prepared by a licensed landscape architect and submitted for review and approval by the City. All trees shall be located outside of public utility easements. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*.

**IV. DURING CONSTRUCTION**

49. Access requirements shall meet City standards. All fire equipment turning areas shall be posted as such, and no parking will be allowed in fire equipment turning areas.
50. Approved Hayward Fire Department access and water supply shall be available for fire equipment prior to the start of construction and during construction. Access shall be all-weather surface designed to support fire equipment of 50,000 GVW. Access shall be available to within 150 feet of the most remote point of each structure; and
51. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the City Engineer:
  - a. Grading and construction activities shall be limited to the hours of 8:00 AM to 5:00 PM on weekdays; there shall be no grading or construction activities on the weekend or National holidays;
  - b. Grading and construction equipment shall be properly muffled, and unnecessary idling shall be prohibited;
  - c. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
  - d. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise;
  - e. Provide for daily clean up of trash and debris on City roadways affected by construction activities;
  - f. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
  - g. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
  - h. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
  - i. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
  - j. Sweep adjacent streets daily (with water sweepers) if visible soil material is carried onto adjacent streets;
  - k. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
  - l. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.); and
  - m. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

52. The following shall be conditions of the Building Permit:

- a. Gather all construction debris on a regular basis and place in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
- b. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
- c. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
- d. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season (October 15); 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
- e. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
- f. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "*Building Maintenance/Remodeling*" flyer for more information;
- g. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains;
- h. Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. All cut and fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall occur between October 15 and April 15 unless approved erosion control measures are in place;
- i. The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board;
- j. A representative of the soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer; and



- k. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to submit daily all testing and sampling and reports to the City Engineer.

**V. PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY**

53. The developer shall pay the following fees:

- a. Water Facilities Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued;
- b. Sewer Connection Fee for each dwelling unit at the rate in effect when utility service permit for the dwelling unit is issued;
- c. Dedication of park land or payment of in-lieu fees, is required for each new dwelling unit. Required land dedication or fees shall be those in effect at the time of issuance of the building permit; and
- d. Supplemental Building Construction and Improvement Tax for each unit. The amount of the tax shall be in accordance with the City's Fee Schedule in effect at the time of issuance of the building permits.

54. A covenant shall be recorded with each lot requiring the property owner to maintain landscaping in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. Required trees that are severely topped or pruned shall be replaced immediately, as determined by the City's Landscape Architect.

58. Front yard landscaping and street trees shall be installed prior to occupancy of each lot.

59. Prior to certificates of occupancy, the street light electroliers shall be in operating condition and approved by the City Engineer.

**VI. PRIOR TO CITY ACCEPTANCE OF TRACT IMPROVEMENTS**

60. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and the completion attested to by the City Engineer before approval of occupancy of any unit within the relevant phase. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.

61. An AC overlay along Whitman Street frontage shall be required by the City Engineer to repair any pavement damage resulting from construction traffic.

62. The subdivider shall submit an "as built" plan showing all underground facilities and site improvements.

63. The soils engineer shall supply the City with "as built" drawings and reports of soil and underdrain conditions to assure proper documentation of the situation after completion.

64. Prior to the City setting the water meters, the subdivider shall provide the Water Department with certified costs covering the installation of the public water mains and appurtenances.

65. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80% of the dwelling units, whichever first occurs.
66. The developer shall maintain the landscaping for a minimum of one year following acceptance of tract improvements. A security deposit, bond, or surety shall be required to guarantee the maintenance of the landscaping.
67. Landscaping shall be maintained in a healthy, weed-free, condition at all times, with replacement plants provided where necessary. Required street and on-site trees that are severely topped or pruned shall be immediately replaced, as determined by the City's Landscape Architect.

**CONDITIONS OF APPROVAL**  
**Site Plan Review and Variance No. 98-130-16**  
**27621 Whitman Street**

1. The site plan shall become void two years after approval by the City Council unless, prior to that time, a building permit application has been accepted for processing by the Building Official or an extension has been approved.

**Architecture**

2. A color and materials board shall be submitted for the review and approval of the Director of Community and Economic Development/Planning Director.
3. All elevations facing a street or common area shall include enhanced architectural details such as, shutters, window ledges and rails like those on the fronts of the homes.
4. Windows on all elevations shall be trimmed with stucco molding or other architectural treatment as approved by the Director of Community and Economic Development/Planning Director.
5. Windows shall be placed in such a way as to minimize views into the interiors of adjacent homes.
6. Windows and/or architectural features shall be incorporated on the right elevation of Plan 2049.
7. House designs for Lots 75, 76, 87 and 88 shall be the same as those for the rest of the development.
8. Construction shall conform to current Uniform Building, Plumbing, Mechanical, and Electrical Codes, as adopted and modified by the City of Hayward.

**Fire Department Requirements**

9. The site shall be developed in compliance with the following Fire Department requirements:
  - a. All units shall be protected with an automatic fire sprinkler system per NFPA 13-D standards.

- b. Roof materials for all structures shall be minimum class A.
- c. All chimneys shall be equipped with approved spark arresters.
- d. All buildings shall display an address visible from the private street. The address shall be a minimum 6" height or a minimum 4" height if self-illuminated.

**Landscaping**

- 10. Prior to the issuance of the first building permit, a street tree plan and detailed landscaping and irrigation plans for all common areas and front yards shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*.
  - a. The landscape buffer in the storm drain easement, adjacent to the west property line, shall be planted with 15-gallon evergreen shrubs spaced 6 feet apart along the full length of the property, including private yards. The shrubs shall be a tall, evergreen, fast-growing species. Medium flowering shrubs shall be planted 3 feet apart in the foreground.
  - b. One 15-gallon street tree shall be provided on each lot for every 50 feet of frontage, or portion thereof. Trees shall be planted outside the public utilities easement according to the City Standard Detail SD-122. In addition, a minimum of one 15-gallon tree shall be planted in each front yard.
  - c. Landscape plans for the common open space areas shall include details of site amenities such as, gazebos, benches, tables, fencing, play equipment, barbecues and decorative paving.
  - d. Vines shall be planted 5 feet apart on the masonry wall along the west property line. A 6-inch hole shall be provided at the base of the wall at every other vine, which shall be trained to grow on the wall exterior. Vines shall be planted 10 feet apart on the outside of the masonry wall facing the Briarwood development.
- 11. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. Required street, front yard and buffer trees that are severely topped or pruned shall be replaced immediately, as determined by the City's Landscape Architect.

12. Mail boxes for all units shall be located next to the public street and grouped together where appropriate. Decorative posts or pilasters shall be used to support the mailboxes. The design shall be approved by the Director of Community and Economic Development/Planning Director.
13. Landscaping for Lots 80, 81, 92 and 93 shall be included on the landscape improvement plans and shall be installed at the time these lots are developed.

**Fences and Walls**

14. All walls, and the exposed face of the retaining walls shall be finished with a decorative treatment such as, painted stucco, veneer, or colored, split-face block. All above-grade walls shall include a molded cap and pilasters.
15. Retaining walls shall not exceed 6 feet in height.
16. Details for walls and fences shall be submitted for the review and approval of the Director of Community and Economic Development/Planning Director.
17. The 4-foot fence along Whitman Street shall be continued in front of Lots 92 and 93 at the time of their development.

**Public Works Requirements**

18. Specifications for decorative street paving shall be reviewed and approved by the City Engineer and the Director of Community and Economic Development/Planning Director.

## MINUTES

**DRAFT**

REGULAR MEETING OF THE PLANNING  
COMMISSION, CITY OF HAYWARD, Council  
Chambers, Thursday, December 17, 1998,  
7:30 p.m. 777 "B" Street, Hayward, CA 94541

- 3. ZONE CHANGE APPLICATION NO. 98-190-01 AND TENTATIVE TRACT MAP NO. 6996 - CITATION HOMES/SAKAI ET AL (APPLICANT/OWNERS)** - Request to rezone 14.92 acres from Agricultural to Single-Family Residential and to subdivide the property into 106 single-family lots, 4,000-square-foot minimum lot size. The site is located at 27621 Whitman Street, south of Tennyson High School.

Senior Planner Woodbury presented the staff report and indicated that the project will have a great deal of landscaping. She said there would be a perimeter wall around the project except for Whitman Street. She indicated that these would be good-sized homes and that they are compatible with the Whitman-Mocine Task Force recommendations. Since they will retain and enhance the single-family residential character of the neighborhood. She said that Condition 48 was not needed since environmental clearance has been obtained.

Commissioner Caveglia asked for further information about the wall. Senior Planner Woodbury responded that the wall would be a 6-foot masonry wall except along the railroad right-of-way where it will be higher and will be vine covered.

Commissioner Bennett questioned the traffic report because the project is so close to the high school. Development Review Engineer Anastas responded that a traffic study for the school to be completed during peak hours during which evaluated the need for a traffic signal during peak hours for the school and the traffic engineer felt there will be enough breaks in the traffic not to warrant a light for the project. The State traffic signal requirements are not met.

Commissioner Kirby said he could see that traffic is going to be a problem particularly in the morning since Whitman is becoming a preferred alternate route. He added that it is unfortunate that the City does not incrementally gather funds from the various developers for capturing a portion of the funds needed for a future signal to be installed as a result of the accumulated traffic in a neighborhood.

Public Hearing Opened at 8:17 p.m.

John Hughes, SCS Development, 404 Saratoga Avenue, Santa Clara, project director, answered questions from the Commissioners. He said the site is self-balancing. It has been remediated and all the agencies have signed off on it.

Julie Hintz, 27779 Medlar Drive, said the Briarwood Homeowners would like to continue the wall at least 10-feet high along the railroad tracks behind their property. She also suggested a stop sign to control traffic.

Commissioner Halliday said a stop sign sounded like a good idea and indicated that the wall would need a permit and would be paid for by the homeowners.

There was discussion about the need for a variance to permit the wall to exceed 10-feet in height.

Chairperson Williams asked that staff explain the process.

Chairperson Williams asked that staff explain the process.

**DRAFT**

Development Review Administrator Anderly responded that they would need time to study the application.

Commissioner Bennett suggested the Ms. Hintz call Emma Bennett on Harder Road relative to a wall that was erected in her back yard.

Ms. Hintz said she knew Mrs. Bennett and would do that.

The Public Hearing Closed at 8:25 p.m.

Commissioner Kirby said he is familiar with Citation's product and moved, seconded by Commissioner Caveglia, staff recommendation.

Commissioner Bennett said she could not support the motion because of the size of the lots and wondered if this project on such small lots was really compatible with the neighborhood. She added that she thought the project would add significantly to the traffic in the area.

The motion passed 6:1, Commissioner Bennett "No"

#### **ADDITIONAL MATTERS**

##### **4. Oral Report on Planning and Zoning Matters**

Development Review Administrator Anderly reported that the next Planning Commission meeting would be held on January 14.

##### **5. Commissioners' Announcements, Referrals**

Commissioner Halliday recognized a letter received from Rica Llorente and thanked her for all of her work on behalf of the Commission.

#### **MINUTES**

- November 12, 1998 - Passed
- November 19, 1998 - Passed

#### **ADJOURNMENT**

The meeting was adjourned by Chairperson Williams at 8:40 p.m.

**APPROVED:**

\_\_\_\_\_  
Jerry Caveglia, Secretary  
Planning Commission

**ATTEST:**

\_\_\_\_\_  
Edith Looney



**AGENDA REPORT  
PLANNING COMMISSION ■ CITY OF HAYWARD**

**MEETING OF:  
December 17, 1998**

**TO:** Planning Commission

**FROM:** Cathy Woodbury, Landscape Architect/Senior Planner  
Bashir Anastas, Development Review Services Engineer

**SUBJECT:** ZONE CHANGE NO. 98-190-01, VESTING TENTATIVE MAP TRACT 6996, and SITE PLAN REVIEW NO. 98-160-16 - CITATION HOMES (APPLICANT), SAKAI FAMILY (OWNERS) - Request to develop approximately 14.92 acres with 106 single-family homes on 4,000 square foot minimum lots.

The project is located at 27621 Whitman Street between Persimmon Drive and Chambosse Drive.

**RECOMMENDATION:**

That the Planning Commission refer the application to the City Council with a recommendation to approve the:

1. Mitigated Negative Declaration;
2. Zone Change;
3. Vesting Tentative Map Tract 6996;
4. Site and Architectural Plans; and
5. Find that the proposed project is consistent with the *Whitman-Mocine Neighborhood Plan* and the *General Policies Plan*;

**DISCUSSION:**

**Surrounding Land Uses**

Development surrounding the project site is predominantly residential, consisting of one and two story single-family homes and multi-family residences. The playing fields at Tennyson High School along with the Wayside Open Bible Church border the site on the north.



Planning Commission  
Meeting of December 17, 1998

ponds or significant tree clusters. Further, the neighborhood plan supports single-family detached housing.

The project is consistent with the intent of the neighborhood plan to "*Retain and enhance the single-family character of the Whitman-Mocine neighborhood*" as stated in *Policy 1*. The proposed density of 7.1 units/acre is consistent with that of the Limited Medium Density Residential designation (8.7 - 12 units/acre). The development will be single-family detached housing, the homes will have attractive and varied facades, and the Whitman Street frontage will include special landscape treatment and an enhanced project entry as recommended in the neighborhood plan. Therefore, amending the neighborhood plan to allow processing this application as a standard subdivision is appropriate. If the Planning Commission finds the project inconsistent, they should direct staff to modify the *Whitman-Mocine Neighborhood Plan* to reflect the change.

Zone Change

As recommended in the *Whitman-Mocine Neighborhood Plan*, the Agriculture zoning was retained as a "holding" zone until development of the site is considered. The proposed zone change from A (Agriculture) to RSB4 (Single-Family Residential 4,000 square foot minimum lot size) is consistent with the *General Policies Plan Map* designation of Limited Medium Density Residential. Lot sizes in the proposed development and building setbacks are consistent with the requirements of the RSB4 zoning district and compatible with the surrounding residential development pattern.

Hayward Unified School District has estimated that the proposed project will generate 26 additional students in grades K-6, requiring an additional teacher and one classroom at Bowman School. The developer will be required to pay school taxes when the new homes are constructed. Although the current school tax rate is \$1.93 per square foot, Citation Homes has voluntarily agreed with HUSD to pay \$2.30 per square foot.

Description of the Vesting Tentative Tract Map

The proposed subdivision layout is consistent with the surrounding area, and the proposed minimum 4000 square-foot lots would be compatible with existing housing in the area. No variances are requested with this application.

The applicant proposes to defer development of lots 75, 76, 87 and 88 pending the removal of the Sakai home located at the northeast corner of the site. The title to these lots will be encumbered to restrict development until such time as the Sakai home is removed. In addition to title restrictions, the project is conditioned on installing improvements for these parcels, to the extent feasible, concurrent with the tract improvements. These improvements consist of utility stubs and frontage improvements consisting of driveways, curb, gutter & sidewalk, and landscaping. Construction on these lots will also be subject to review and approval pursuant to the approved site plan included with this application.

Planning Commission  
Meeting of December 17, 1998

- North - Tennyson High School and the Wayside Open Bible Church property zoned Agriculture (A).
- East - Single-family detached homes across Whitman Street zoned Single-Family Residential (RS).
- South - Briarwood, a multi-family residential community, zoned Planned Development (PD).
- West - Southern Pacific Railroad tracks and Huntwood Avenue beyond. Across Huntwood is a mixture of single-family homes zoned Single-Family Residential (RS) and multi-family homes zoned Multi-Family Residential (RM).

Background

The *Whitman-Mocine Neighborhood Plan*, adopted May 27, 1997, established a policy to maintain and enhance the residential character of the area. The project site on Whitman Avenue, formerly Sakai Brothers Nursery, was considered an opportunity for residential development of a scale and appearance appropriate for the neighborhood.

At one time the commercial nursery facility included greenhouses and auxiliary buildings. The only structures remaining are a single-family residence and storage facilities. Some small ornamental and fruit trees are along the northwest boundary.

Citation Homes, the developer/applicant, is proposing a single-family residential subdivision of 106 homes with minimum lot sizes of 4,000 square feet. In order to allow this type of development, zone change, tract map and site plan review applications must be reviewed by the Planning Commission and approved by the City Council.

Neighborhood Plan Consistency

The *Whitman-Mocine Neighborhood Plan* adopted by Council included a strategy for development of the nursery site and stated that "*Formal development applications shall be processed under the Planned Development (PD) zoning district to allow maximum design flexibility.*" This strategy came about as a result of Council discussion regarding appropriate lot sizes for both nursery sites in the neighborhood. Some Council members expressed concern about adequate setbacks on parcels less than 5,000 square feet in size while noting that the provision of significant landscaping, especially in the front yards of smaller lot developments, would greatly minimize the visual impacts of building massing. Ultimately, the neighborhood plan was approved without placing limitations of the lot size on new developments opting for a planned development instead. However, Citation Homes proposes a standard subdivision of single family detached homes on this site rather than a planned development.

The PD zoning is effective when preserving natural features, open space or topography, and where a variety of housing types or combinations of residential and non-residential uses are incorporated on one site. The project site lacks natural characteristics such as rock outcroppings,

### Circulation and Traffic

Access to the site is available from Whitman Street, a north-south collector street that parallels the BART tracks and connects to Harder Road to the north and Tennyson Road to the south. The developer will reconstruct the Whitman Street frontage improvements (curb, gutter, and sidewalk) to install driveways for fronting lots and as part of the work to underground overhead utilities along the project frontage.

Site circulation is provided by a loop collector street with intermediate connecting streets and a single street access onto Whitman. The grid-like street pattern provides for pedestrian-friendly, easy access within the subdivision. Interior streets are further enhanced with streetscape and intersection treatment as discussed below. The entry street has decorative paving and a 13-foot landscaped median to improve its functionality and visual appeal.

A signal warrant analysis for the intersection of Whitman and Carson indicates that a signal is not warranted at that intersection under existing or existing plus project conditions. Entry street stop signs and striping will be installed by the developer.

Staff analyzed the operational aspects of front-on driveways on Whitman Street, including field observation of traffic during the morning peak period. The analysis by staff indicates that there will be sufficient gaps in the traffic flow to permit cars to back out of driveways on Whitman. This finding is consistent with the signal warrant analysis results conducted for the intersection of Whitman and Carson contained in the traffic study for the tract. This conclusion is drawn from the *Interruption of Continuous Traffic* warrant and the *Minimum Pedestrian Volume* warrant results contained in the study. Additionally, since Whitman Street pavement is 45 feet wide, there is enough room for cars to back out of the driveways on Whitman without interfering with oncoming traffic.

All streets within the subdivision with the exception of Street "G" along the westerly property line, are proposed as public streets to be constructed to a 46-foot-wide public street standard, which provides for two travel lanes, parking on both sides, and 4.5-foot-wide sidewalks. Street "G" which is contiguous to a soundwall and landscape easement, is proposed with sidewalk and parking one side only. A 6-foot-wide public utility easement is provided adjacent to all public streets.

### Utilities/Engineering Services

No major issues related to utilities/engineering services are identified for this project. The respective service providers indicate that adequate capacity is available to serve the project subject to standard improvement requirements.

#### Water

There are existing 6-inch diameter water mains in Whitman Street and in Huntwood Avenue. The subdivision improvements include constructing an 8-inch diameter water mains throughout the project to connect to the existing system in Whitman Street and in Huntwood Avenue. These improvements also include replacing the existing 6-inch

water main in Huntwood Avenue with an 8-inch water main, extending to Harris Road/Leidig Court.

***Sanitary Sewer***

Eight-inch diameter sanitary sewer mains are proposed within the development to connect into the existing sanitary sewer main in Huntwood Avenue. The connection will require boring under the railroad tracks and a railroad encroachment permit.

***Storm Drainage***

The project will be served by an existing 39-inch diameter storm drain pipe along the westerly property line of the project, currently owned by the Hayward Unified School District (HUSD). The Briarwood Homeowners' Association is responsible for 50-percent of the maintenance costs incurred by HUSD for the portion that passes through Briarwood and downstream to the connection in Tennyson Road. By agreement of all the parties involved, the developer will upgrade the pipe to public standards and dedicate the system within a public easement to the City. Also by agreement, a landscape strip on the church property to the north will be re-graded to redirect its drainage towards the church parking lot.

***Grading***

Only minor, balanced grading is anticipated to be required for development of the property. The grading proposed with the subdivision will not interfere with existing drainage patterns, nor will it increase drainage to the surrounding area.

***Soils & Geology***

The geotechnical report for the site dated October 31, 1997, indicates that the property is not within an active fault area, and that the site is physically suitable for the type of development proposed. No significant soil problems are identified in the report, and near-surface soils are considered to have a low liquefaction potential.

***Environmental Site Assessment***

An environmental site assessment was completed on July 17, 1997, and clearance from the Alameda County Health Care Service Agency and the City of Hayward Fire Department was obtained on September 3, 1998.

***Noise Analysis***

A noise assessment report prepared for the project on June 4, 1998, recommends the installation of soundwalls along the railroad and at other locations along the perimeter of the site to reduce noise levels to within the limits allowed by City Standards. The report also recommends sound insulation for specific homes to comply with those standards. These recommendations are incorporated as conditions of approval for the project.

### Site Plan and Architectural Design

The neighborhood plan recommended that special attention be given to the Whitman Street frontage. The homes proposed at this end of the subdivision are oriented so they face the existing houses on the eastside of Whitman Street. A 3- to 4-foot wrought iron fence and low shrubs will be installed behind the sidewalk in front of the new houses to soften the streetscape. The entrance to the development is accentuated with low, decorative walls and flowering accent trees on both sides of the drive. A project identification plaque will be constructed in the landscaped entry median, and decorative paving will be incorporated in the entrance. A heavily landscaped plaza with decorative paving and a gazebo serves as a focal point at the entrance.

Staff recommends that corner landscaped "bulb-outs" be incorporated at the intersections of Streets "A", "F" and "E" with the east-west Streets "C" and "D" as a traffic-calming measure and streetscape enhancement, as illustrated on the following page.

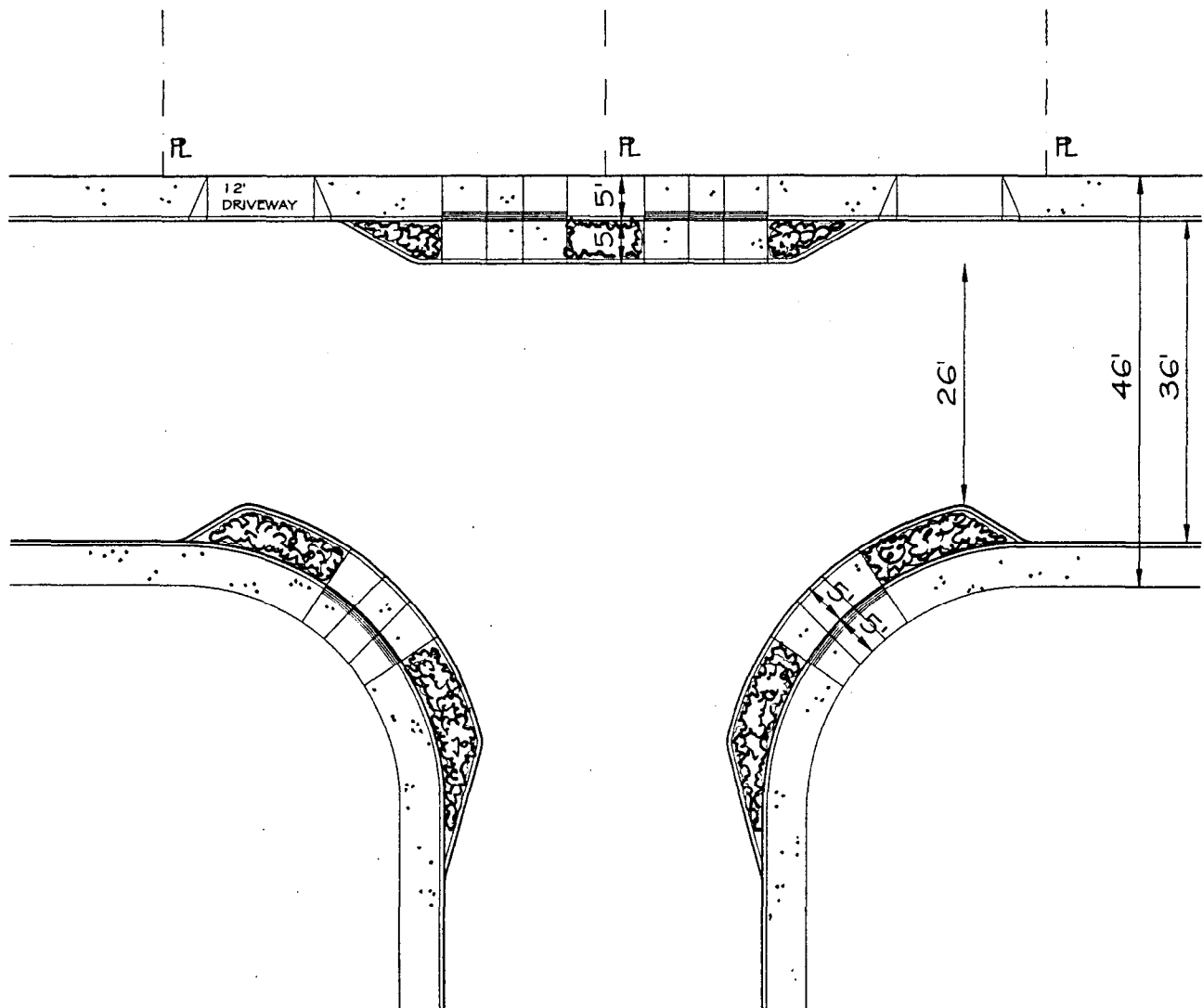
With the exception of the lots along Whitman, all houses face interior streets. The house designs include front porches on most models and all have covered entries. Three floorplans are proposed ranging in size from 1,858 to 2,270 square feet, each with 4 to 5 bedrooms and 2 ½ to 3 bathrooms. Each unit includes a two-car garage and two uncovered parking spaces in the driveway. Additional parking is available on the street in front of the homes.

Each plan has been developed with three elevations that incorporate a harmonious variety of window treatments, roof styles and architectural details. Staff recommends that the elevations facing streets or common areas include architectural details such as, shutters, window ledges and rails, like those on the front elevations. In addition, windows on all elevations should be trimmed with stucco molding or another architectural treatment. Windows should be placed in such a way as to minimize views into the interiors of adjacent homes. The building exteriors will be finished with stucco and the roofing will be cement tile.

Front yard landscaping will be installed by the developer and maintained by a homeowners' association along with improvements in the common areas and in the public right-of-way. An 8 foot decorative masonry sound wall will be constructed along the west property line adjacent to the railroad right-of-way. Large evergreen shrubs will be planted along the wall in lieu of trees due to the location of the existing 10-foot wide storm drain easement. A 6 foot decorative masonry wall will be constructed along the north and south boundaries of the development.

### Environmental Review

A Mitigated Negative Declaration was prepared and distributed for a period of 20 days beginning November 19, 1998, in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. A notice of its availability for review and notice of this hearing were sent to all property owners and occupants within 300 feet of the perimeter of the property and to other interested parties. The environmental review concluded that the project, with the recommended mitigation measures, would not have a significant effect on the environment.



# CONCEPTUAL INTERSECTION TREATMENT

Public Notice and Preliminary Meetings

Property owners and residents within 300 feet of the project boundaries, former members of the *Whitman-Mocine Neighborhood Task Force* and all other interested parties were invited to preliminary meetings held on February 3 and June 24, 1998, to review and comment on the proposed development. One neighborhood resident expressed concern over traffic congestion on Whitman and the potential impact of the additional trips that would be generated by the project. Briarwood homeowners advised the applicant of problems they have experienced with intruders crossing over their fence along the railroad right-of-way and suggested that Citation Homes construct a high wall at the rear of the new development.


*Whitman-Mocine Neighborhood Task Force* members were invited to a meeting on November 5, 1998, to review and comment on the neighborhood plan amendment. None of the members accepted the invitation and no comments were received from the task force.

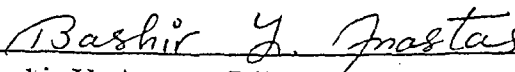
On November 26, 1998, a public hearing notice was published in the "Daily Review" and mailed to surrounding property owners/residents and task force members on December 7, 1998. No additional public comments were received.

Conclusion

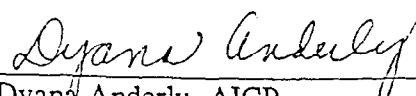
The proposed project is consistent with the intent and policies of the *General Policies Plan* and, if amended, the *Whitman-Mocine Neighborhood Plan*. The project is compatible with the surrounding uses and development pattern, will enhance the residential character of the area and create homeownership opportunities.

Prepared by:

  
Cathy Woodbury, ASLA/AICP  
Landscape Architect/Senior Planner

  
Bashir Y. Anastas, P.E.  
Development Review Services Engineer

Recommended by:

  
Dyana Anderly, AICP  
Development Review Services Administrator

Planning Commission  
Meeting of December 17, 1998

Exhibits:

- A - Area Map
- B - Zoning Map
- C - Findings for Approval
- D - Conditions of Approval
- E - Initial Study/Mitigated Negative Declaration
- F - Project Plans





DEPARTMENT OF  
COMMUNITY AND ECONOMIC DEVELOPMENT  
Development Review Services Division

**MITIGATED NEGATIVE DECLARATION**

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

**I. PROJECT DESCRIPTION:** Whitman-Mocine Neighborhood Plan Amendment, Zone Change 98-190-01, Vesting Tentative Map Tract 6996 and Site Plan Review No. 98-130-16 – Request to rezone 14.92 acres from Agricultural to Single-Family Residential (RSB4), amend Whitman-Mocine Neighborhood Plan, and to subdivide the property into 106 single-family lots, 4,000-square-foot minimum lot size.

**II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:**

The proposed project, as conditioned, will have no significant effect on the area's resources, cumulative or otherwise.

**III. FINDINGS SUPPORTING DECLARATION:**

1. The project application has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project, with the recommended mitigation measures, could not result in significant effects on the environment.
2. The project is in conformance with the General Policies Plan Map designation of Limited Medium Density Residential in that single family homes are proposed at a density of 7.1 dwelling units per acre, and the Zoning is requested to be amended to Single-Family Residential (RSB4).
3. The project is in conformance with the intent and purpose of the Zoning Ordinance designation of Single Family Residential District, 4,000 square foot minimum lot size (RSB4), for the property in that it consists of residential lots that are consistent with the regulations for the district, and a change of zoning to Single Family Residential District, 4,000 square foot minimum lot size (RSB4) has been requested.

4. The project will not result in an increase in population which exceeds official regional or local population projections in that the entire site will be developed at a lower use and intensity than proposed by its land use designation.
5. The project would not result in increased traffic congestion in that area roadways have adequate capacity to handle traffic from the development, and implementation of a mitigation measure to install a traffic signal at Whitman Street and Carson Drive will relieve the development impacts at that intersection.
6. The project will not create a potential health hazard in that a condition of approval will require that the environmental assessment be completed and all contamination issues related to the proposal be resolved to the satisfaction of the Alameda County Health Care Service Agency, California Regional Water Quality Control Board (San Francisco Bay Region) and the City of Hayward Fire Department prior to any construction activities.
7. With the implementation of the mitigation measures, as described in *the Traffic and Railroad Noise and Vibration Assessment Study* prepared by Edward L. Pack Associates, Inc., June 4, 1998, as amended, residents of the project will not be exposed to severe noise levels.
8. The payment of fees, dedication of park land, or construction of park improvements in the neighborhood will reduce the impact of the proposed project recreation resources to a level of insignificance.

**IV. PERSON WHO PREPARED INITIAL STUDY:**

  
Bashir Y. Anastas, P.E., Development Review Services Engineer

Dated: November 19, 1998

**V. *COPY OF INITIAL STUDY IS ATTACHED***

---

For additional information, please contact the City of Hayward Development Review Services Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4210

---

**DISTRIBUTION/POSTING**

Provide copies to project applicants and all organizations and individuals requesting it in writing.

Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.

Project file.

Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.

## INITIAL STUDY CHECKLIST FORM

**Project title:** Whitman-Mocine Neighborhood Plan Amendment, Zone Change 98-190-01, Vesting Tentative Map Tract 6996, and Site Plan Review No.98-130-16

**Lead agency name and address:** City of Hayward, 777 B Street., Hayward, CA 94541-5007

**Contact persons and phone number:** Bashir Y. Anastas, (510) 583-4208

**Project location:** Westside of Whitman Street between Persimmon Drive and Chambosse Drive

**Project sponsor's name and address:**

SCS Development Co., dba Citation Homes, 404 Saratoga Avenue, Suite 100, Santa Clara, CA 95050

**General plan designation:** Limited-Medium Density Residential (8.7-120 dwelling units per acre)

**Zoning:** Agricultural

**Description of project:** Request to rezone 14.92 acres from Agricultural to Single-Family Residential (RSB4), amend Whitman-Mocine Neighborhood Plan, and to subdivide the property into 106 single-family lots, 4,000-square-foot minimum lot size.

**Surrounding land uses and setting:**

The site is bounded on the northerly side by Tennyson High School and the Wayside Open Bible Church property that is zoned Agricultural. On the east side, across Whitman Street, are single-family residential houses, which are zoned Single-Family Residential, 5,000-square-foot minimum lot size. The homes adjacent to Whitman Street front on Whitman Street. On the westerly side is the Southern Pacific Railroad. To the south is the Briarwood townhomes, which are zoned Planned Development.

### ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Land Use and Planning      | <input checked="" type="checkbox"/> Transportation/Circulation | <input checked="" type="checkbox"/> Public Services               |
| <input type="checkbox"/> Population and Housing                | <input type="checkbox"/> Biological Resources                  | <input checked="" type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Geological Problems                   | <input type="checkbox"/> Energy and Mineral Resources          | <input type="checkbox"/> Aesthetics                               |
| <input checked="" type="checkbox"/> Water                      | <input type="checkbox"/> Hazards                               | <input type="checkbox"/> Cultural Resources                       |
| <input checked="" type="checkbox"/> Air Quality                | <input checked="" type="checkbox"/> Noise                      | <input checked="" type="checkbox"/> Recreation                    |
| <input type="checkbox"/> Mandatory Findings<br>of Significance |  |   |

**DETERMINATION:** *(To be completed by the Lead Agency)*

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

Bashir Y. Anastas  
Signature

11-19-1998  
Date

Bashir Y. Anastas, P.E.  
Printed name

City of Hayward  
For

## ENVIRONMENTAL IMPACTS:

### I. LAND USE AND PLANNING. *Would the proposal:*

- a) Conflict with general plan designation or zoning?

☐
☒
☐
☐

Comment: The property is designated as Limited Medium-Density Residential (8.7 to 12.0 dwelling units per acre) on the General Policies Plan Map, and is zoned Agriculture. The project is consistent with the General Plan land use designation, and includes a request to change the zoning to Single-Family Residential, 4,000-square-foot minimum lot size. The proposed project is also consistent with the Whitman-Mocine Neighborhood Plan, which supports detached single-family residential development. However, the neighborhood plan suggests that "special attention be given to the Whitman Street frontage using design features [such as] landscaped elements (planting strips, small berms and project entryways), varying building massing (one-story, two-story and partial two-story structures) and varied building setbacks." The applicant is requesting an amendment to the neighborhood plan to develop a conventional subdivision rather than a planned development. **Mitigation measure** is to amend neighborhood plan to develop consistency.

- b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?

☐
☐
☐
☒

- c) Be incompatible with existing land use in the vicinity?

☐
☐
☐
☒

Comment: The project's minimum 4,000-square-foot homes are consistent with other single-family projects in the area.

- d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)?

☐
☐
☐
☒

Comment: The property is not designated as prime agricultural land on the 1996 Alameda County Important Farmland Map (dated June, 1997).

- e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: The project site was a former nursery with one single-family residence. Both the General Policies Plan and the Whitman-Mocine Neighborhood Plan designate the property for single-family residential use.

## II. POPULATION AND HOUSING. *Would the proposal:*

- a) Cumulatively exceed official regional or local population projections?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: Population projections were based on the same use and density proposed.

- b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: The surrounding area is substantially developed, and therefore, the development of the subject site will not induce similar or larger projects.

- c) Displace existing housing, especially affordable housing?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: The site has one single-family dwelling which is proposed to be removed.

**III. GEOLOGIC PROBLEMS.** *Would the proposal result in or expose people to potential impacts involving:*

a) Fault rupture?

☐
☐
☐
☒

Comment: The property is outside the Hayward Special Studies Fault Zone.

b) Seismic ground shaking?

☐
☐
☒
☐

Comment: The site will be subject to violent ground shaking in the event of a major earthquake on the Hayward Fault. The project will be reviewed for proximity to the Hayward Fault, and areas of high seismic risk.

c) Seismic ground failure, including liquefaction?

☐
☐
☐
☒

Comment: Liquefaction and differential compaction is not considered to be a serious problem for this site.

d) Seiche, tsunami, or volcanic hazard?

☐
☐
☐
☒

e) Landslides or mudflows?

☐
☐
☐
☒

Comment: The site is not in a hill area or subject to mudflows.

f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?

☐
☐
☐
☒

Comment: The site is being retained as a flat site and grading will be minimal.

g) Subsidence of land?

☐
☐
☐
☒

h) Expansive soils?

☐
☐
☐
☒

Comment: Prior to issuance of a building permit, Engineering and Building staff will review a geologic and soils investigation report to design



the building foundations adequately for the soil type on the property.

IV. WATER. *Would the proposal result in:*

- a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	-------------------------------------	--------------------------	--------------------------

Comment: The development of the site will significantly change the absorption rate of what previously occurred on the nursery property. There is an existing, private 39-inch diameter storm drain pipe along the westerly property line of the project, which is owned by the Hayward Unified School District. The Briarwood Homeowners' Association is responsible for 50-percent of the maintenance costs incurred by HUSD for the portion that passes through Briarwood and downstream to the connection in Tennyson Road. The City's Public Works Department has agreed to accept the dedication of the drainage line as a public facility within a PUE, subject to upgrade of the system to City Standards. Staff recommends a **mitigation measure** that the **development upgrade the drainage system to City Standards, and dedicate it to the City within a 10' public easement.**

- b) Exposure of people or property to water related hazards such as flooding?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comments: The site is not known to be subject to flooding. The site is not within a 100-year flood zone.

- c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity?)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

- d) Changes in the amount of surface water in any water body?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: The site contains no water body.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Altered direction or rate of flow of groundwater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impacts to groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><u>Comment:</u> Staff recommend mitigation measures that require the developer to obtain a NPDES permit and provide evidence of the filing of a Notice of Intent with the State Water Resources Control Board. The developer should also be required to submit for City approval a Storm Water Pollution Prevention Plan for reducing the discharge of pollutants and sediments into downstream areas. Conditions of approval should also require compliance with the appropriate conditions recommended by the Alameda County Urban Runoff Clean Water Program. Fossil fuel filters will be required to prevent oil and other material from going into the ground water supply.</p>				
g) Substantial reduction in the amount of groundwater otherwise available for public water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**V. AIR QUALITY.** *Would the proposal:*

a) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Comment:</u> The project will be required to comply with all applicable requirements of the Bay Area Air Quality Management District, including implementation of appropriate dust control measures during construction. Emission increases due to increased traffic generation from the site is considered less than significant.</p>				
b) Expose sensitive receptors to pollutants?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**VI. TRANSPORTATION/CIRCULATION.** *Would the proposal result in:*

a) Increased vehicle trips or traffic congestion?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><u>Comment:</u> The project is expected to generate about 1,060 Vehicle Trip-Ends daily. Based on a preliminary analysis, the City Traffic Engineer concludes that a <b>signal will be warranted at Whitman Street and Carson Drive. Signal installation</b> will be validated by a traffic study (currently underway) and is recommended as a <b>mitigation measure</b> for the project.</p>				

The temporary increase in traffic due to construction is expected to have a less than significant impact.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Inadequate emergency access or access to nearby uses?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments: The City's Fire Department has reviewed the project plans and finds the project, as conditioned, acceptable to Fire Department requirements and standards. The Fire Department recommends a **mitigation measure** that the **developer provide Class A (tile) roofing, and a fire suppressant sprinkler system in all homes.** Proposed roadways are of sufficient width to provide access for their emergency vehicles.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Hazards or barriers for pedestrians or bicyclists?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Rail, waterborne or air traffic impacts?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**VII. BIOLOGICAL RESOURCES.** *Would the proposal result in impacts to*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comments: The site is mostly vacant and no known endangered, threatened or rare species or their habitats is known to exist on the property.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Locally designated species (e.g., heritage trees)?                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------------	--	------------------------------------	-----------

Comment: The site is vacant of any significant landscaping.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Wetland habitat (e.g., marsh, riparian, and vernal pool)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Wildlife dispersal or migration corridors?                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**VIII. ENERGY AND MINERAL RESOURCES.** *Would the proposal:*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with adopted energy conservation plans?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Use nonrenewable resources in a wasteful and inefficient manner?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**IX. HAZARDS.** *Would the proposal involve:*

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Possible interference with an emergency response plan or emergency evacuation plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) The creation of any health hazard or potential health hazard?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

Comment: The project site was a former nursery with one single-family residence. Environmental clearance by the Alameda County Health Care Agency and the City of Hayward Fire Department will be required prior to any construction on the site.

**X. AESTHETICS.** *Would the proposal?*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Affect a scenic vista or scenic highway?       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a demonstrable negative aesthetic effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Create light or glare?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XIV. CULTURAL RESOURCES.** *Would the proposal:*

a) Disturb paleontological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Disturb archaeological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> No paleontological or archaeological resources are known to exist on the property.				
c) Have the potential to cause a physical change which would affect unique cultural values?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Restrict existing religious or sacred uses within the potential impact area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XV. RECREATION.** *Would the proposal:*

a) Increase the demand for neighborhood or regional parks or other recreational facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Comment:</u> This project would result in a demand for 1.4 acres of additional park land. Prior to occupancy, the project sponsor will be required to pay fees for park site acquisition and development, provide improvements to a neighborhood recreation facility, or dedicate park land.				
b) Affect existing recreational opportunities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Comment:</u> This project would result in an increase in the usage of the existing recreational opportunities in the neighborhood: Sorensdale Park and recreation center, athletic fields Tennyson High School, and the Bechtel Tot Lot. The dedication of park land, park improvements or payment of in-lieu fees associated with the project will offset the increased demand for recreational facilities.				

**I. PUBLIC SERVICES.** *Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:*

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comment: Based on Hayward Unified School District, 1998 figures, the project is projected to generate 26 additional students in grades K-6, requiring an additional teacher and one classroom. Payment of School Taxes will be required at the time of construction of the new units to mitigate the school impacts.

#### **XVI. UTILITIES AND SERVICE SYSTEMS**

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) (lack of municipal water infrastructure, and/or substantial increase in potable water demand.) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comment: There are existing 6-inch water mains in Whitman Street and in Huntwood Avenue. The applicant/developer would construct an 8-inch diameter water main throughout the project that would connect to the water main in Whitman Street and would connect under the railroad tracks and along Huntwood Avenue to the existing 8-inch water main at Harris Road/Leidig Court.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) (lack of municipal sanitary sewer infrastructure, and/or substantial increase in demand on municipal sanitary sewer treatment plant facilities.) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comment: There are existing 8-inch diameter sanitary sewer mains in Whitman Street and in Huntwood Avenue. The applicant/developer would construct an 8-inch diameter sanitary sewer main within the proposed development and bore under the railroad tracks to connect into the existing sanitary sewer in Huntwood Avenue.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) (substantial increase in demand on existing solid waste collection program(s) or facilities. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comment: The project conditions of approval require adequate solid waste disposal and participation in the City of Hayward recycling program. Service is available in the project area.

## XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

- b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

- c) Does the project have impacts that individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

- d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

## XVIII. EARLIER ANALYSES.

- a) Earlier analyses used - NONE  
 b) Impacts adequately addressed - YES  
 c) Mitigation measures – CONDITIONS OF APPROVAL

**DRAFT**

*AK*  
*12/24/98*

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 10-1.147 OF  
CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL  
CODE BY REZONING CERTAIN PROPERTY LOCATED AT  
27621 WHITMAN STREET, PURSUANT TO ZONE CHANGE  
APPLICATION 98-190-01

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS  
FOLLOWS:

Section 1. Section 10-1.147 of Chapter 10, Article 1 of the Hayward Municipal Code is hereby amended by rezoning the property designated in Zone Change Application No. 98-190-01, as set forth in Exhibit A attached hereto and made a part hereof, from Agriculture (A) to Single-Family Residential, 4,000-square-foot minimum lot size (RSB4)

Section 2. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of  
Hayward, held the \_\_\_\_ day of \_\_\_\_\_, 1999, by Council Member \_\_\_\_\_.

ADOPTED at a regular meeting of the City Council of the City of Hayward  
held the \_\_\_\_ day of \_\_\_\_\_, 1999, by the following votes of members of said City  
Council.

AYES:

NOES:



ABSTAIN:

ABSENT:

APPROVED: \_\_\_\_\_  
Mayor of the City of Hayward

DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

# DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

*AK*  
*12/31/98*

Introduced by Council Member \_\_\_\_\_

RESOLUTION CERTIFYING MITIGATED NEGATIVE  
DECLARATION AND APPROVING ZONE CHANGE  
APPLICATION 98-190-01, SITE PLAN REVIEW/  
VARIANCE APPLICATION NO. 98-130-16, AND  
CERTIFYING AND APPROVING THE VESTING  
TENTATIVE MAP FOR TRACT 6996

WHEREAS, there has been submitted to the City Council of the City of Hayward a vesting tentative map for Tract 6996 located at 27621 Whitman Street to develop approximately 14.92 acres with minimum 4,000-square-foot parcels for 106 Single-Family homes, and, in connection therewith, Application No. 98-130-16, for site plan review and a variance to allow an 11-foot sound wall where an 8-foot maximum height is allowed; and

WHEREAS, Zone Change Application No. 98-190-01 concerns a request to change zoning from A (Agriculture) to RSB4 (Single-Family Residential, 4,000 sq. ft. parcel minimum); and

WHEREAS, the Planning Commission reviewed the applications at its December 17, 1998 meeting and recommends approval of the project.

WHEREAS, a Negative Declaration has been prepared and processed in accordance with City and CEQA guidelines; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines that the City Council has independently reviewed and considered the information contained in the initial study upon which the negative declaration is based, certifies that the negative declaration has been completed in compliance with the requirements of the California Environmental Quality Act, and finds that the negative declaration reflects the independent judgment of the City of Hayward; and

WHEREAS, the City Council, in connection with the Zone Change Application and Site Plan Review/Variance Application No. 98-130-16 hereby finds and determines that:

1. The approval of Zone Change Application No. 98-190-01 and Site Plan Review and Variance Application No. 98-130-16 will have no significant

impact on the area's resources, cumulative or otherwise, and the Mitigated Negative Declaration prepared for this project is complete and final in accordance with the California Environmental Quality Act and reflects the independent judgment of the City Council;

2. The proposed zone change will not be detrimental and will promote the public health, safety, convenience, and general welfare of the residents of Hayward by providing for residential development that offers home ownership housing opportunities as expressed in the Housing Element;
3. The proposed zone change and site development plans with a density of 7.1 units/acre are in conformance with the General Plan Policies Map designation of Limited Medium Density Residential (8.7 - 12 units/acre), are consistent with the purpose and requirements of the Single-Family Residential zoning district to provide a suitable environment for family life;
4. The proposed zone change and site development plans are consistent with the policies of the Whitman-Mocine Neighborhood Plan in that the project consists of single-family detached housing, the homes will have attractive and varied facades, the Whitman Street frontage will include special landscape treatment and an enhanced project entry, and the single-family residential character of the neighborhood will be retained and enhanced;
5. The existing and proposed streets and public facilities are adequate to serve all uses when the property is reclassified;
6. All uses permitted in the Single-Family Residential, 4,000-square-foot minimum lot size (RSB4), zoning district and in the proposed residential development will be compatible with present and potential future residential uses, and further, a beneficial effect will be achieved through the zone change by providing for residential development at a density compatible with the neighborhood, which is not allowed under the existing Agriculture (A) zoning district;
7. The development is compatible with the surrounding multi- and single-family structures and the adjacent school and church facilities in that the proposed height, bulk and scale are consistent with the surrounding development;
8. The development takes into consideration physical and environmental constraints in that a sound wall and landscaping will be installed to buffer the new residences from the noise generated along the railroad tracks;

9. There are special circumstances applicable to the property in that it is located adjacent to a railroad right-of way;
10. The reduction in noise levels afforded by the sound wall will comply with the goals and standards of the City's Noise Element to protect citizens against the adverse effects of excessive noise and therefore, strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity; and
11. Granting the variance would allow a sound wall that is consistent with those placed on other properties similarly situated.

WHEREAS, the City Council, in connection with Vesting Tentative Tract Map 6996, hereby finds and determines that:

1. The vesting tentative tract map, for 106 single-family residential lots, as conditioned, has been found by the City Council to be in substantial conformance with the project reviewed under the attached mitigated Negative Declaration, which reflects the independent judgment of the City Council.
2. The proposed subdivision is consistent with the General Policies Plan and the city's Subdivision Regulations, in that it is compatible with the objective, policies, and the general land use and programs specified in the General Plan.
3. The land being subdivided is for residential use and the drainage from such use does not violate the requirements prescribed by the Regional Water Quality Control Board.
4. The layout, lot size, and configuration is such that future building(s) could be oriented for the purpose of providing an opportunity for future passive solar heating and cooling.
5. None of the findings set forth in Section 66474 of the Subdivision Map Act have been made, and the approval of the vesting tentative map is granted subject to the recommended conditions of approval.
6. Development of the lots in conformance with the proposed conditions of approval and in compliance with City codes will mitigate any significant environmental or other impacts, i.e., drainage, soils, instability, noise, or traffic problems.

7. Upon completion and implementation of the required mitigation measures and proposed conditions of approval, the streets and utilities will be adequate to serve the development.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that, based on the findings noted above and the adoption of an Ordinance approving Zone Change Application No. 98-190-01 vesting tentative map for Tract 6996, and Site Plan Review/Variance Application No. 98-130-16 is hereby approved to be constructed subject to the attached conditions of approval.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward